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**Board Meeting – September 10, 2012**

**21<sup>st</sup> Floor – Conference Room 1**

**Present Board Members:**

- Walter White, Executive Office of Public Safety Designee (WW), Acting Chair
- Carol Steinberg, Member (CS)
- Gerald LeBlanc, Member (GL)
- Andrew Bedar, Member (AB)
- Mark Trivett, Member (MT)

and

- Thomas Hopkins, Executive Director (TH)
- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)

**Members Not Present:**

- Myra Berloff, Massachusetts Office on Disability Designee
- Raymond Glazier, Executive Office on Elder Affairs Designee
- Donald Lang, Chair
- Diane McLeod, Member

1) **Discussion:** Slattery's Funeral Home, 70 Pleasant St., Marlborough (C10-078)

TH - Deborah Ryan of Deborah Ryan Associates asked if the Board would accept a review by her instead of a registered architect

CS - what is she?

- a code consultant?

TH - yes

WW - is she a building official?

TH - no

*AB - uphold decision and deny request*

*MT - second – carries*

2) Discussion: Old Driftway and Stockbridge Road Curb Cuts and Sidewalks (C10-076 and C10-077)

TH - motion from attorney regarding motion for another hearing

- new submittal from MBTA attorneys
- spoke to complainants about the need for a hearing
- they have hired an outside firm, but they are prepared to sue, but not said in writing yet
- they just want another chance to present their case, not an issue of notice at this point

CS - in scheduling the hearing, should say that provided that any procedural arguments about notice are not involved

*MT - reopen*

*AB - second – carries*

*CS - schedule a hearing, provided that any arguments regarding notice, and other procedural issues are waived and only going to deal with substantive issues*

*AB - second – carries*

3) Incoming: 5 New Residential Condos, 42 Bay State Rd., Cambridge (V12-226)

TH - EXHIBIT – variance application

- 5 condos for sale, already built
- 1 ground floor unit is Group 1
- ramp at entry needs variance for clear width, 36” provided
- parking lot entrance at the side accessible

*CS - grant as proposed*

*AB - second –carries*

4) Incoming: 5 New Residential Condos, 54 Bay State Rd., Cambridge (V12-227)

TH - EXHIBIT – variance application

- 5 condos for sale, already built
- 1 ground floor unit is Group 1
- ramp at entry needs variance for clear width, 36” provided
- parking lot entrance at the side accessible

*CS - grant as proposed*

*GL - second –carries*

5) Incoming Discussion: 11 North Restaurant, 11 North Water St., Edgartown (V12-206)

TH - letter received on 9/7/12 to open the restaurant  
- partners had said they would get variance; removed internal stair and reconstructed in alternate location

- primary restaurant space is at the second floor
- provided drawings for access at the entrance and the second floor access
- since the stairs were moved, a variance or compliance required for second floor access
- haven't gotten a plan for vertical access yet
- hearing is scheduled for December 3, 2012
- issue of voting on allowing them to open, seeking temporary CO to open now
- accessible bathroom at first floor
- seeking until next fall to comply

WW - what are the proposed accommodations?

- TH - talked to them about buzzer for takeout temporarily  
- but need to set short timeframe for entrance access being provided  
- 1,056 square feet per floor, with the kitchen at the first floor, seating area much smaller only a couple of tables; if vertical lift installed then lose tables and only one table would be provided at the first floor  
- accessible men's and women's room

GL - *allow temporary CO – withdraw*

CS - *allow temporary CO, provided that they begin now getting the incline lift and show progress – withdrawn*

CS - *grant the use for an incline lift at the entrance*

MT - *second – carries*

CS - *allow temporary CO, on the condition that work begins now for the incline lift start now with a plan, timeframe, copy of deposit at December 3, 2012*

MT - *second – carries*

CS - *continue discussion regarding variance for vertical access to the hearing on December 3, 2012*

MT - *second – carries*

6) Incoming: Riverview Preschool, 58 Riverview Rd., Gloucester (V12-221)

TH - EXHIBIT – variance application  
- seeking variance for lack of access to second floor  
- previously brought to the Board on 8/27/12, when the Board granted a temporary CO  
- second floor is only 427 sq. ft., \$25,000.00 for lift

MT - *grant, based on exc. cost without benefit, on condition same services available at both levels; for this use and owner*

AB - *second – carries*

7) Incoming: John W. Weeks Bridge, Connects Cambridge and Boston (V12-220)

- TH - EXHIBIT – variance application
- eliminate stairs at each end of the footbridge
  - cite 4 sections 20, 24.2, 24.2.2, and 24.4
  - seek relief based on lack of level landings, or else the slope would have been steeper

CS - *grant as proposed, based on tech. infeasibility*

MT - *second – carries*

8) Incoming: Squire's Bistro, 159 Main St., Agawam (V12-219)

- TH - EXHIBIT – variance application
- stairs from restaurant patio down, but there is an accessible entrance
  - seeking a time variance for 12 months to provide a patio accessible

AB - *accept the proposed time variance, but have it done prior to opening the patio for the 2013 season*

MT - *second - carries*

9) Incoming: Domino's Pizza, 277 Main St., Charlestown (V12-224)

- TH - EXHIBIT – variance application
- spending \$85,000.00 for tenant fit-out
  - takeout and delivery
  - 8 inch step at door, seeking variance for the lack of accessible entrance
  - only 10% takeout
  - can complete transactions at the exterior if need be, no public restrooms

CS - *grant as proposed, on the condition that buzzer and intercom provided at front entrance*

GL - *second – carries*

10) Incoming: North Reading Middle and High School, 19 Sherman Rd. & 190 Park St., North Reading (V12-222)

- TH - EXHIBIT – variance application
- renovated middle school and new high school with shared facilities, such as gym, café, auditorium
  - \$88 million project
  - route between buildings are steeper than 5%
  - they will provide a shuttle between buildings, slopes of the walkway will not comply

MT - *grant as proposed*

GL - *second – carries with CS opposed*

11) Incoming: Upper Deck Sports Bar, 337 Stetson Rd., Barre (C10-030 and V12-236)

- TH - Complaint filed in 2010 while the business was undergoing renovation
- no occupancy at the time of complaint, so complaint was dismissed, but caveat that no occupancy could be given prior to compliance being verified or variance being adjudicated before the Board

- new owner contacted the Board
- building inspector contacted him to let him know that the work was on track
- contract submitted for installation of vertical wheelchair lift
- the work will begin January 1, 2013 and completed within 60 days after
- also seeking temporary CO
- need executed contract and deposit check for the lift prior to issuance of temporary CO

*CS - grant time variance for installation of lift to begin 1/1/13 with work completed 60 days thereafter*

*GL - second – carries*

*CS - grant temporary CO on the condition that a copy of the order for the lift and deposit check for the wheelchair lift is submitted to the board within 30 days*

*AB - second – carries*

*CS - plans for toilet rooms resubmitted showing detailed dimensions of the toilet rooms and one interior ramp within 30 days receipt notice of action*

*MT - second - carries*

#### 12) Discussion: Dreamland Theater, 17 South Water St., Nantucket (V12-057)

- TH - previously set completion date of 10/1/12 for the work at the egress balcony
- seeking extension for date of compliance to have Historic District Commission conduct their review of the project; construction moratorium until 9/15/12
  - still waiting for approvals from HDC, seeking till 12/1/12 to comply

*AB - grant extension to 12/1/12*

*GL - second – carries*

#### 13) Discussion: Francis Wyman House, 56 Francis Wyman Rd., Burlington (V12-083)

- TH - continued the discussion regarding the existing stairs in the house to have the petitioners submit photographs
- seeking variance for all aspects of the stairs to the second floor

*MT - grant as proposed*

*GL - second – carries*

#### 14) Incoming: YWCA of Greater Newburyport, 11 Market St., Newburyport (V12-223)

- TH - EXHIBIT – variance application
- existing building, 5 apartments, when completed propose 3 floors occupied and 10 apartments
  - each unit is a SRO
  - spending over 30%
  - 20.11.1a, 26.7, 26.10.1; 9.4 does not require them to comply with the requirements for Group 1 or Group 2
  - public and common use areas do not have to comply since under 12 units

*MT - no variance required*  
*GL - second – carries with WW abstaining*

15) Discussion: Curb Cuts at Summer and Central, Somerville (C10-278)

TH - emailed the Board on September 4, 2012  
- May 9, 2012 and August 9, 2012 decisions  
- Eileen Feldman notes that she wants only the Community Access Project of Somerville as the Complainant, not her name  
- May 9<sup>th</sup> says as representative of CAPS but appearing on her own behalf; August 9<sup>th</sup> said correspondence was mailed to Eileen Feldman, Complainant

*CS - revise decisions to show the Complainant as Community Access Project of Somerville*  
*MT - second – carries*

16) Discussion: Fairway Oaks Condos, Westchester Dr., Haverhill (C08-115 & V09-077)

TH - awnings have been constructed, waived majority of the fines and ordered payment plan  
- Julie Goldman of AGO regarding proposal of fines  
- longer payment plan or send payment verification forms to document lack of financial ability to not pay the fines

*GL - not to allow extension*  
*WW - no second – motion fails*

*CS - allow longer payment plan if requested and allow forms to be submitted*  
*MT - second – carries with GL opposed*

17) Hearing: Winthrop Estate (Ethelwynde), 101 Yukon Ave., Lenox (V12-184)

WW - called to order 11 a.m.  
- introduce the Board

Lawrence Bauer, SBG Architects (LB)  
Wolfgang Rudolf, SBG Architects (WR)

WW - both sworn in  
- EXHIBIT 1, AAB1- 42

LB - working on the project, but not the architect of record, but agreed to help with the variance process  
- change from single residence to inn  
- 3 floors and a basement 18,000 sq. feet  
- no elevator and historic details at the interior  
- applied for eligibility for national registry, but still not considered, but expect it will be accepted  
- none accessible at the moment  
- first floor will be made accessible and function space

- owner wishes to use the upper floors, or at least one for housing guests as well
- proposing one accessible bedroom and bathroom
- second and third floors are all multi-level, no single level for either floor
- going to try to introduce LULA to serve basement, first and second floor
- going to raise the terrace, which is now down one step from all interior doors, this will create access to the terrace, which will be the main entrance to the house
- seeking to use power operators on some doors, plan to make one accessible bedroom at second floor with on-suite bath, and make the other rooms visitable at that floor
- LULA will make majority of the second floor accessible
- LULA to basement will create access for future basement spaces
- want to retain historic stair

LB - on the site itself all of the exterior will comply with accessible routes, signage, parking, etc.

WR - Door 118 from Conservatory Dining Room (108) to Pantry, seeking to propose auto-open doors/power assisted, both leaves to open at the same time

AB - maneuvering space, or width issue?

LB - width issue

*CS - grant on the condition auto-opener installed for both doors to open at the same time*

*MT - second – carries*

LB - Door 120 permanently held open or removed

*CS - grant on the condition that the door leaves are always left in the open position or removed*

*GL - second – carries*

WR - Door 121 part of egress route from Conservatory Dining Room to Veranda, power assist or auto opener proposed to open both leaves at the same time

*CS - grant on the condition auto-opener installed for both doors to open at the same time*

*GL - second – carries*

LB - Door 123 entry door into Main Foyer 101

- power assist door for this door as well

*CS - grant on the condition auto-opener installed for both doors to open at the same time*

*GL - second – carries*

LB - Door 124 is from Main Foyer to Music Room

- propose power operators for both doors

*AB - grant on the condition auto-opener installed for both doors to open at the same time*

*MT - second – carries*

LB - Door 130 from Main Foyer into the Library, noncompliant pull side maneuvering clearance  
- 12 ¾” provided, 18” required

WR - Image 6

AB - does the door have a closer?

WR - not proposing at this time

WW - is the door recessed at the bookshelf?

WR - no it is flush with the interior paneling of the library

*CS - grant 26.6.3 for Door 130, on the condition that the door is left open when the building is in use*

*MT - second – carries*

WR - Door 122 leads from Dining Room into Foyer, sits in a deep recess, lack of push side clearance  
- door is recessed 12”

CS - could that door be left open as well

LB - not sure if rooms need to be blocked off

*CS - grant on the condition that the door is left open when in use during a function*

*MT - second – carries*

WR - historic unenclosed wooden stair with intricate wooden balustrade  
- seeking variance for 27.3 and 27.4

WW - detail on the nosings?

LB - bull nosing with carpet overlay

WW - railing, typically grant for lack of interior compliant handrail, but require wall side handrails

*CS - grant handrails for interior, on the condition that compliant wall side handrail provided*

*AB - second – carries*

*CS - grant on the condition that the carpet is maintained*

*MT - second – carries*

WR - first floor, unisex toilet room that is accessible  
- additional toilet rooms within the first floor that are small and not feasible to make accessible  
- all in the same location

*MT - no variance required on the condition that the toilet room complies in full with the requirements of 521 CMR*

*CS - second – carries*

LB - first variance for second floor for the lack of push side clearance at 2 doors

WR - Doors 208 and 210, both doors lead from Hallway to Bedroom 201A and B, don't have the required push side clearance

CS - where is the accessible room proposed?

LB - down the hall

*CS - grant the variance for the lack of push side clearance at Doors 208 and 210, based on tech. infeasibility*

*GL - second – carries*

WR - Door 242 is also a door that leads to an inaccessible bedroom  
- closets at either side of the doorway, need to maintain; moving the door would require removal of the closets

LB - also ½" to narrow

CS - how many rooms are visitable?

LB - 201A and B, 203

LB - Door 242 also has a noncompliant pull side clearance

*AB - grant the variance for Door 242 based on tech. infeasibility*

*GL - second – carries*

LB - seeking to use a LULA in lieu of full elevator

- and not have it go to the second floor

CS - what is at the 3<sup>rd</sup> floor?

LB - the second floor rooms are nicer than the third floor suite

*MT - grant use of the LULA, based on exc. cost without benefit*

*GL - second – carries*

*MT - grant variance for the lack of access to the third floor*

*GL - second – carries with CS opposed*

*MT - grant variance for changes in level at second and third floors*

*AB - second – carries*

LB - start construction in November to be done prior to

*CS - all proposed changes are completed before permanent occupancy is issued*

*AB - second - carries*

18) Hearing: Barrington Stage Company, 36 Linden St., Pittsfield (V12-190)

WW - called to order at 1:00 p.m.

- introduce the Board

Tristan Wilson, Barrington Stage Company (TW)

Donald Ferry, Bradley Architects (DF)

DL - both sworn in

- EXHIBIT 1 – AAB1-26

TH - supplemental information submitted on August 31, 2012

WW - accept as EXHIBIT 2

DF - looking for a time variance

- theatrical performance, this is there Stage 2 facility, second facility for the building

- recently purchased the building, so now proposing to expand to the basement space

- seeking to open the basement space prior to installing vertical access to the basement space

TW - been leasing the upper level for a number of years, just this spring, purchased the building

- converted the lower level bar to a cabaret night club performance venue

- now only has an occupancy of 49, proposing to increase occupancy up to 80

- this space would operate independently of the theater, can't operate at the same time due to staffing, sound, and other issues

- primarily a seasonal theater company, May-October

- lower level space will be a year-round space

- Second Stage Theater closes October 7<sup>th</sup>

- do have interest to use the cabaret space at the basement level in the winter

- want to see if increasing the occupancy load will make the space viable

DF - would need to maintain the main level access and keep the space open when the cabaret is in use

- the main level is fully accessible, but since it operates on different schedules than the cabaret, would be an issue

- toilet rooms upstairs are compliant, would like to add accessible unisex at lower level (currently no accessible toilet rooms at the lower level)

- if increase to more than 49, trigger other requirements, such as sprinklers

- have 1:8 ramp slope into the accessible entrance of the basement, would only need to go from parking lot into the building, since the two spaces are not connected
- seeking 2 years to comply
- toilet rooms will be done immediately at the basement level

WW - second means of egress out of the lower level?

- DF - yes
- lower level is 4 feet below parking lot
  - stair up to parking lot, another stair directly outside
  - internal stair up to upper level
  - and the steep ramp

DF - if the cabaret is open year round, the link between the two spaces would be difficult since the theater is seasonal

- no internal link between the two floors

TW - no intention of connecting the two spaces, they will be maintained as separate

DF - there is an existing communicating stairs, but it is only used by staff for storage access at the lower level for the upper level theater

TH - elevator or a lift?

- DF - vertical wheelchair lift proposed
- at street grade can access lift to cabaret
- DF - yes
- did Stavros get the second packet

\*\*\* Raymond Glazier – Executive Office of Elder Affairs Designee – Now Present \*\*\*

CS - where will the lift go?

- from grade to the cabaret

- DF - yes
- and will maintain the slope of the ramp to the rear entrance; so have the option to use either

CS - what is the cabaret? Scheduled shows

- TW - small platform for performances
- will only be opened for specific events

CS - when will the toilet rooms be done at the lower levels

- DF - hoping to get permit by the end of this week
- hoping to complete the work to open the space for holiday events

TW - did use over the summer at the capacity of 49; but no work currently

- DF - work to upgrade occupancy will trigger sprinklers and full access

- seeking 2 years for all access issues
- but trying to do the toilet rooms now

TW - have had disabled patrons in the cabaret space, so it is “accessible”

AB - two years, the entire building will be accessible  
 - everything will be done

TW - yes, certain trigger points, once the lift and toilet room is installed, it will trigger sprinkler requirements because of increase in occupancy  
 - long range plan

TH - was work done to the upper level space

TW - at the time, made temporary changes, seating, stage, toilet rooms; all for \$30,000.00 in 2008

MT - should have been factored into the 5 year clause for sprinklers

DF - fire department willing to give them 2 year time variance, because they realize that the sprinklers will be provided

MT - what is the proposed occupancy load for lower level

DF - building code says 120, but proposing 90

WW - is the permit pending the action of this board

DF - no, pending funding

- what is the timeframe for the funding

TW - would hope to have it in place by next May

- would 6 months be feasible?

TW - difficult to say, don't have the funds currently available

DF - will be ready in 30 days to permit the work, but unsure if the funds are available

- would like to do the work sooner than later

*CS - grant a time variance 25.1 to install lift as proposed by 9/1/14, on the condition that allow until 2/1/13 to install the compliant accessible toilet room at the lower level;*

*GL - second – carries*

CS - landing at the door of the ramp

TW - yes, small level landing at the door

- proposing at street entrance that will be accessible from the lift

*CS - no variance required regarding access between the first and second floors, since there is no communication between the two floors, all access between the two floors for the public is from the exterior; no public access in the interior between the two levels*

*MT - second – carries*

TW - is capacity contingent upon toilet room installation?

DF - would be contingent on the local building department and fire department

19) Hearing: Barrington Stage Company, 36 Linden St., Pittsfield (V12-190) – Cont'd

*CS - reopen*

*MT - second – carries*

*RG - quarterly reports starting 2/1/13 every 6 months thereafter; and signage posted at the ramp indicating that it is too steep*

*AB - second - carries*

20) Hearing: School of Philosophy, 399 Lexington Rd., Concord (V12-177)

WW - called to order at 2 p.m.

- introduce the Board

Jan Turnquist, Louisa May Alcott's Orchard House, Executive Director (JT)

David Hart, David Hart Enterprises, Architect (DH)

WW - both sworn in

- EXHIBIT 1 AAB1-52

DH - School of Philosophy was built under the direction of Bronson Alcott, bought Alcott House in 1858  
- 1880 built the School of Philosophy

JT - originally School of Philosophy was held in the study of the orchard house, only built the other building when money received

DH - 1905 sold the property, the building was moved off of the property and then moved back into hillside in 1926  
- submitted site plans for the site

JT - used as storage shed for 50 years

DH - 4 years ago, started the process of restoring the building, with new foundation underneath and repair the windows  
- also wanted to move the building again to the close proximity of the original building site  
- based on the amount of money being spent, access requirements triggered  
- up to this point, the only way to access the building was to be assisted up to the North Door with a portable ramp at the interior to get down to the main floor of the building

- anticipated use is for overflow of large groups of visitors to the orchard house, to view a film
- occasional group presentations as well in the School of Philosophy
- building was moved and sloped sidewalk provided to the basement level

JT - same video shown at the school of philosophy also shown in the orchard house

DH - proposing sloped walkway through the site as shown on engineered plan

- WW - EXHIBIT 2, sloped walkway  
 - EXHIBIT 3, site plan

WW - change in elevation between the two buildings?

DH - approximately 8 feet vertically

DH - 35 foot ramp would also be required, 400 feet of sloped sidewalk  
 - access stage area and then portable ramp to main floor

JT - last Thursday night meeting with Historic District Commission  
 - they said would have to light the entire path of travel, but denied use of path  
 - the number of people that go to the School of Philosophy is very small; since same video at the Orchard House and main interpretation of the School of Philosophy is at the study of the House  
 - accommodations have been made in the past to access the interior of the School of Philosophy  
 - cost of access, both monetary and aesthetically, proposing to put orchard back on the west side of the property  
 - the basement under the school is planned to be used for storage  
 - but if ever wanted additional toilet rooms in that basement space, then the entrance to the basement is accessible  
 - decision from historic commission was to deny the walkways  
 - one conference per year, which is housed in the School of Philosophy  
 - Orchard House was granted a variance for the lack of access to the second floor; video, picture book, guide, toilet rooms, and panoramic camera view  
 - very few people want to go into the school

DH - sloped sidewalk and ramp denial from historic not written up  
 - but some language about destroying the historic integrity of 15% of the site; will submit the written decision from the Historic District Commission

JT - south side is stairs  
 - would like to maintain the portable ramp at the North Side entrance into the building and from the stage onto the main floor

CS - walkway from Orchard House to School of Philosophy

JT - yes, short section not paved

DH - approximately 40 feet  
 - overall slope of 11%

CS - how much would it cost to pave the route to the North Entrance from the south entrance

DH - that will be steeper route than allowed

TH - never any thought about a path to the back of the building

- application came in in July, 2 months after the work was done

- variance application was not submitted till June of 2012, meeting held in November of 2011

- want to maintain the accommodation policy

JT - were already going before HDC for other issues

DH - saw JT put the variance application in an envelope in December of 2011

- never was received by the Board, so final application submitted in June

- understand that the original submittal not sent

JT - it is closed and will remain closed if need be

CS - no picture of the south entrance

DH - apologize for lack of picture of the North Entrance, 2 foot differential at exterior

- portable ramp at exterior and at interior from the stage to the main floor

*CS - deny the variance for the lack of access at the south entrance and portable ramp at the north entrance*

*AB - second – carries*

*CS - plan for access to the building or amended variance requests by December 31, 2012; submission of drawings that show both entrances with grades, elevations and pictures*

*GL - second – carries*

TH - building to be open now

JT - would like to be available for overflow use of the viewing of the film

*GL - take the matter of temporary of CO under advisement*

*MT - second – carries*

JT - would like to have it open in October for “heavy bus season”

- tried to have the hearing moved up, because of July usage, but that was missed

21) Hearing: Jubilee Yacht Club, 127 Water Street, Beverly (V10-078)

WW - called to order at 3 p.m.

- introduce the Board

Linda Mallete, Commodore for the JYC (LM)

Roberta Oakley, Architect (RO)

Paul Earl, Project Lead for JYC (PE)

WW - all sworn in  
- EXHIBIT 1 AAB1-50

RO - construction project started last week  
- member-based “working-man’s” club  
- 3 different types of members (300), social members (20), life members (150)  
- small social component, but basically for access to dock space for motorboats and sail boats  
- \$10/year dues  
- they have capital and ongoing operation assessments every year, assessed to the members  
- each member is required to do \$500 worth of work per year  
- no dining services, “bare bones building”  
- main use is to access the water  
- built in 1965, 2-story CMU building  
- ground floor and upper level  
- center corridor thru the building  
- boiler room, kitchen space, toilet rooms, small library, meeting room at the first floor and small facility use  
- second floor function space, bar, toilet rooms, kid’s room  
- in 2010 hired another architect and asked for dimensional variance for second floor toilet room and vertical access, the project was abandoned due to high bid returns for the 2010 project  
- 2012 hired to design the universal access for the building  
- 2012-2013 project, 7 items being addressed, construction started last week  
- full service elevator, and expanding out the front of the building  
- due to location, issues with flood plains, DEP, etc.  
- expanding building out 2 feet, redoing rail at wall side of stairs, fixing nosings, putting in new accessible toilet room, changing door hardware at meeting room and kids room, also creating compliant parking spaces  
- each member has been a one-time \$250 assessment, and borrowed \$150,000.00, to be paid back over the next 3 years  
- 11 items are seeking variances, able to remove one when determined it was in fact compliant

Item 1

RO - restrooms at the first floor  
- historically there was only a men’s room, two showers and women’s room added in the 1970s  
- when showers were installed, the slab was raised to run the pipes, 4” higher than the rest of the slab  
- boiler room at one side, library at other  
- fixture count is low already, renovation would lose one fixture  
- new compliant toilet room proposed at the second floor  
- 99% of the population is up on the second floor  
- seeking for a variance for the lack of accessible toilet rooms at the first floor

CS - first floor meeting rooms?

RO - community meetings, allowed for community groups to hold meetings  
- most of the meetings are held at the second floor, due to the larger size of the meeting space a the second floor

- last year 12 meetings

LM - Coastguard Auxiliary course

CS - library?

LM - donations of books from members

- not usually used, won't fit more than 4 people

CS - showers at the first floor

RO - currently just proposing accessible toilet room, and then proposing accessible shower in the future, would like to install shower in 2016 after the debt is paid down

- first thing is the toilet rooms

CS - use of showers?

PE - very limited use of the showers

- none in the winter

- use confined primarily April-September

LM - if people live on their boats in the summer months, then those are the ones that use the showers

RG - relocate the library and put new showers down there

RO - still an issue with the slab

RO - did go before Council of Independent Living and Commission on Disability and City of Beverly Inspectional Services, have letters of support

WW - Accept as EXHIBIT 2

AB - when is toilet room at second floor proposed to be done

*AB - grant the lack of access at the first floor toilet rooms, with the understanding that the second floor toilet rooms are completed as proposed*

*MT - second – carries*

RO - time until 2016 for the accessible shower

- budgeting over the next several years, funds will be available again in 2016 and that will be one of the first things completed at that time

CS - how much is the shower?

RO - \$9,000.00

*GL - grant until January 1, 2016 for the accessible shower to be completed*

*MT - second – carries with RG and CS opposed*

Item 3

- RO - lobby stair, closest to the main entry  
- replace wall side handrail with compliant wall side handrails  
- propose to maintain center existing handrail until 2016 budget

*GL - grant as proposed for January 1, 2016 for the interior handrail at the lobby stairs on the condition that the wall side handrail will be done immediately*

*MT - second – carries*

Item 4

- RO - exterior egress stairs, aluminum rail  
- no extensions for handrails  
- inside rail has one break where it is not continuous  
- seeking to maintain rails as is, will propose vertical handrail at the bottom of the stairs to help with the step up

*CS - grant as proposed*

*GL - second – carries*

Item 5

- RO - Item 5-7 are all similar  
- threshold condition at the end of corridor  
- proposing to build up the bottom of the stairs up 2 inches and then larger threshold  
- wooden threshold with 10% slope  
- going to slope up 2 inches at 10% rise, for 2 feet, 3'6" flat in front of the door, wooden threshold at door so that it doesn't interfere with the egress of the stair  
- need level landing at the bottom of the stairs adjacent to the entrance doorway  
- not proposing handrails  
- main entrance is at the other side of the building, this is the water side entrance, and a secondary entrance from the dock area  
- 1/4- 1/2 inch lip at the top

*CS - grant as proposed*

*GL - second – carries with RG not present*

Item 6

- RO - similar issue, everywhere the building exits, 4 inch thresholds  
- Great Room to Deck, 4 inch threshold  
- build up the deck and slope down the 10%, if 12% slope would use up all of the space

CS - clearances not provided at the deck door?

RO - variances not requested for maneuvering clearances

- only 4" between door and rail

WW - what about auto-opener for that door since no level landing provided at that door as well

CS - *continue Item 6 discussion, to have the Petitioners submit more information regarding door by November 1, 2012*

GL - *second – carries with RG not present*

#### Item 7

RO - similar threshold, hallway out to the deck, members only entrance to the deck  
- 3 foot platform at the door and then slope down to the deck

CS - door width

RO - double leaf, 30"

MT - landing at top of stairs

CS - *grant as proposed*

GL - *second – carries with RG not present*

#### Item 8

RO - first floor Ward Room, door has a clear opening is 31", special hinge already, CMU wall would require complete demolition of this doorway and create new doorway

- 12" interior CMU walls

- frame itself is minimal

CS - anything unique in that room

RO - can schedule meeting for another location

GL - *grant*

MT - *second – carries*

RO - would like to do thresholds in 2017

WW - do something temporary until then

PE - estimates of \$3,500 for the thresholds

CS - *deny the request for the threshold issues done by 2017, and require that those thresholds be done in the first phase of work*

GL - *second – carries with AB and MT opposed*

#### Item 9

RO - doors to the library

- currently the doors are two leafs, 2'6" each

- seeking to change to one 3' door, seeking to have that done by 2018
- did not look at auto-openers

WW - when is the library typically open

LM - 24/7 open, typically open

RO - since on egress corridor, have to maintain closers

CS - *grant to 1/1/16, suggest looking into auto-openers for a cheaper means of compliance*

MT - *second – carries*

#### Item 10

RO - no issue with pull side clearance at this location, 19 ¼"

CS - *no variance required since compliant clearances provided*

RG - *second – carries*

#### Item 11

RO - entrance to Great Room, double doors 2.5"

- doors swing out into the egress

- proposing to maintain one set of the doors, and change the other set of doors to one compliant leaf and one smaller leaf (3' and 2')

- seeking to change the one set of doors to 2016 and outright variance for the other

AB - how many people in that room

LM - max occupancy is 95

CS - would like to see auto-openers

MT - both leaves operate

CS - *provide auto-opener at the main doors into the great room off of the stairs and elevator lobby by 2013*

RG - *second – fails with RG and CS in favor, MT, AB, and GL opposed*

MT - *accept as proposed, grant 10A, and 10B work done by 1/1/2016, on the condition that the doors would be open during events beginning and end of events*

GL - *second – carries with RG and CS opposed*

#### 22) Discussion: Commuter Rail Station, 1 Upland Rd., Sharon (C11-051 and V12-225)

TH - hearing held 4/9/12, compliance date set for 11/1/12

- mini-high platforms, ticket counters, parking

- seeking time variance and did not notice the appropriate parties

- not appropriate to hear until all parties notified, however only seeking an extension to 10/1/13

- they are asking for time variance, but want to wait to know that appropriate parties have gotten notice

CS - cannot act on this matter until the MBTA verifies that notice was sent to the proper parties have been notified

MT - second – carries

23) Discussion: 54-56 Berkeley St., Boston (V12-175)

TH - email from Sara Lovado regarding compliance photos of wall side handrails being installed

CS - installation complies

GL - second - carries

24) Incoming Discussion: Cedar Glen Care and Rehab, 15 Kirkbride Dr., Danvers (V12-203)

TH - granted as proposed to put in swing-up grab bar, on the condition that the grab bar fold against the wall  
- email from petitioners saying they cannot find a drop-down grab bar that folds against the wall  
- seeking to just have swing up grab bar and have motion reconsidered  
- want the condition that it fold back up against the wall be dropped

AB - continue to the next meeting

CS - second - carries

25) Hearing: School of Philosophy, 399 Lexington Rd., Concord – Cont'd

CS - reopen

GL - second – carries

KS - need to discuss the matter of allowing temporary CO

CS - allow issuance of temporary certificate of occupancy on the condition that portable ramps be supplied to go into the building as previously provided

GL - second – carries

26) Discussion: Meeting Minutes and Decisions from 8/27/12

KS - read into record the additional paragraph for PNA

CS - accept minutes and decision on condition add paragraph and Slattery Funeral Home

GL - second - carries

27) Incoming Discussion: The Cru Restaurant, 1 Straight Wharf, Nantucket (V12-168)

TH - in the Notice of Action from 6/25/12 granted relief to an interior dining level change, on the condition that they explore fixing the route to get to the dining area from an alternate route  
- On 8/29/12 Ted Burnham, Architect, wrote to inspector and TH, letter from manager that they did explore access thru the rear French doors, but that the narrow pathway makes it not feasible  
- on 8/30 forwarded to the Commission  
- Mickey Rowland responded by stating that there was a simple solution available to create access thru the French doors

*AB - require a plan for access to the French Doors to be implemented prior to opening for next season; to be submitted by first October meeting*  
*MT - second –carries*

28) Incoming: Academic Sciences Building, Emmanuel College, The Fenway, Boston (V12-228)

TH - EXHIBIT – variance application  
- over 30%  
- seeking relief for handrails at tiered classroom, not handrails at center aisle and one handrail at wall

*MT - grant as proposed*

*AB - second - carries*

29) Incoming Discussion: Modern Snack Bar, 342 Alden St., Fall River (V12-192)

TH - new plans submitted  
- bathrooms appear to comply with dimensions  
- vertical wheelchair lift in lieu of elevator, then proposed exterior lift  
- agreed to let them continue construction  
- require permit for the installation of lift, contract for the lift and shop drawings and deposit check and site visit by board staff to confirm compliance when the project is done

*RG - require permit for the installation of lift, contract for the lift and shop drawings and deposit check and site visit by board staff to confirm compliance when the project is done*

*AB - second - carries*

30) Incoming Discussion: Modern Snack Bar, 342 Alden St., Fall River (V12-192) – cont'd

*MT - accept installation of vertical lift in lieu of full elevator*

*AB - second – carries*

*CS - submit permits and plans by 10/10/12*

*AB - second – carries*

31) Discussion: Venus Restaurant and Cellar Bar, 95 Main St., Easthampton (V09-002)

TH - now owner wants to not provide lift to lower bar level  
- sent owners email to architect of record from 2009, he emailed back plans and notes saying that the work to create access to the basement space  
- Stavros now supports lack of access to basement  
- new tenant wants to use the basement level space  
- hearing is scheduled for 10/15 for failure to comply  
- now getting pressure from people saying that the project will fall apart  
- architect says it is possible

*CS - maintain the hearing*

*AB - second - carries*

32) Discussion: Polish National Alliance, 30 Victory St., Adams (V11-141)

TH     - submittal of site plan  
         - seeking to put accessible parking at the street  
         - can't get from parking lot to building because considerably lower  
         - need to set date for bathroom in decision

*MT     - reopen the discussion regarding decision for PNA*

*AB     - second – carries*

*MT     - submit more information regarding reserved handicapped parking at the street, within 30 days  
receipt of decisions*

*AB     - second – carries*

TH     - also need date for toilet room

*MT     - compliance of bathroom within 90 days receipt of the decisions*

*AB     - second – carries*

- End of Meeting -